

SPECIAL EMERGENCY DIRECTIVE NO.03 -2020

SUPERSEDING PROVISIONS SET FORTH IN CHAPTER 33 PERTAINING TO PROVIDING TEMPORARY EMERGENCY MEDICAL FACILITIES

WHEREAS, a worldwide pandemic has occurred involving the coronavirus more commonly known as COVID-19; and

WHEREAS, on March 9, 2020, pursuant to Executive Order No. 103, the Governor of the State of New Jersey declared a State of Emergency pursuant to N.J.S.A. App. A.:9-33 et seq. and a Public Health Emergency pursuant to N.J.S.A. 26:13-1 et seq. due to COVID-19; and

WHEREAS, Executive Order No. 103 (2020) described both the symptoms and dangers presented by COVID-19 and the likelihood of community spread across the State, and it recognized the need to use all available statewide authorities to prepare for and respond to COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, further pursuant to Executive Order 103, the Governor authorized and empowered the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of Department of Health, to take any such emergency measures as the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of county and municipal emergency operations plans, in order to fully and adequately protect the health, safety and welfare of the citizens of the State of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19; and

WHEREAS, the State Director of Emergency Management, in conjunction with the Commissioner of Department of Health, were further authorized to coordinate the relief effort from this emergency with all governmental agencies, volunteer organizations, and the private sector; and

WHEREAS, Executive Order 103 further provided that "it shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management and the Commissioner of DOH in all matters concerning this state of emergency;" and

WHEREAS, on March 21, 2020, pursuant to Executive Order No. 107, the Governor of the State of New Jersey, among other things, directed that nothing shall be construed to limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public; and

WHEREAS, pursuant to Executive Order No. 108, the Governor ordered that "no municipality, county, or any other agency or political subdivision of this State shall enact or

enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of Executive Order No. 107 (2020), or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Orders;" and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, the Governor issued a series of Executive Orders pursuant to his authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act ("EHPA"), to protect the public health, safety, and welfare against the emergency created by COVID-19, and to extend the health emergency, including Executive Order Nos. 119, 138, 151, 162, 171, 181, 186, and 191 (2020); and

WHEREAS, as of October 24, 2020, according to the World Health Organization, there were over 41,809,078 confirmed cases of COVID-19 worldwide, with over 1,139,372 of those cases having resulted in death; and

WHEREAS, as of October 23, 2020, according to the Centers for Disease Control and Prevention (CDC), there were over 8,387,047 confirmed cases of COVID-19 in the United States, with over 222,447 of those cases having resulted in death; and

WHEREAS, as of October 23, 2020, there were over 225,430 positive cases of COVID-19 in New Jersey, with at least 14,484 of those cases having resulted in death; and

WHEREAS, there have been positive cases of COVID-19 in every county in New Jersey, and there have been deaths relating to COVID-19 in every county in New Jersey; and

WHEREAS, the COVID-19 outbreak has continued to present a public health hazard in New Jersey, in the region, and across the United States; and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services; and

WHEREAS, the facts as set forth above confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, Holy Name Medical Center (HNMC) has recently acquired Lots 1-6 in Block 3002 along Chadwick Road across the street from the hospital grounds; and

WHEREAS, HNMC proposes to construct a temporary parking lot to accommodate the anticipated parking needs for the second round of COVID-19 cases; and

WHEREAS, given the current COVID-19 health emergency, the zoning, subdivision and

site plan approval process to approve such proposed temporary emergency medical facilities has experienced extensive delays; and

WHEREAS, the provisions set forth in Chapter 33, Development Regulations, of the Code of the Township of Teaneck are sufficient and proper during typical circumstances, but present a potential impediment to protect and maintain the health, safety, and welfare of New Jersey residents and visitors against the effects of COVID-19 with respect to the provision of emergency medical care; and

WHEREAS, N.J.S.A. App. A: 9-33 et seq., and all amendments and supplements thereto, confer upon the municipal emergency management coordinators certain emergency powers; and

WHEREAS, the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck confer the power and duty of the Township Manager to act to provide for the health, safety and welfare of the Township of Teaneck in an emergency situation, through special emergency directives; and

WHEREAS, consistent with the directives set forth in the aforesaid Executive Orders of the Governor, and the authority granted under N.J.S.A. App. A: 9-33 et seq. and the Charter and Administrative Code of the Township of Teaneck, the temporary relaxation of some of the requirements of Chapter 33, Development Regulations, of the Code of the Township of Teaneck, pertaining to the provision of temporary emergency medical facilities would further the public health, safety and welfare of the Township of Teaneck;

NOW, THEREFORE, by virtue of the authority conferred by N.J.S.A. App. A: 9-33 et seq., the Charter of the Township of Teaneck and the Administrative Code of the Township of Teaneck, DEAN KAZINCI, Manager of the Township of Teaneck, and LARRY ROBERTSON, Teaneck's Office of Emergency Management Coordinator, do hereby ORDER and DIRECT, subject to the Rules and Regulations hereafter set forth, that the procedural requirements for obtaining site plan, subdivision and zoning approvals for the construction of temporary emergency medical facilities, including parking areas, are hereby temporarily suspended, effective immediately and until the termination of the COVID-19 health emergency or until the rescission of this Special Emergency Directive, whichever first occurs. To the extent that any provisions set forth in Chapter 33, Development Regulations, of the Code of the Township of Teaneck is inconsistent with the within Special Emergency Directive, such provisions of Chapter 33 of the Code of the Township of Teaneck are superseded to the extent of such inconsistency; and BE IT FURTHER

RESOLVED that Temporary Medical Emergency Facilities shall comply with the following Rules and Regulations:

- a. Temporary Emergency Medical Facilities shall be defined to include medical facilities, including parking lots, which are immediately necessary to care for and treat patients suffering from COVID-19 during the current health emergency.

- b. Applications for temporary emergency medical facilities shall be submitted to Teaneck's Construction Code Official for processing.
- c. Unless specifically excepted by the Construction Code Official, all plans shall comply with the setback, coverage, height, floor area ratio, landscaping and other substantive criteria applicable for site plans, subdivisions and zoning, other than the provisions relating to uses.
- d. A survey prepared by a licensed surveyor and a proposed site plan and subdivision plan, if applicable, prepared by a licensed architect or engineer shall be required pursuant to Section 33-18(d)(5)a.5 and 6, setting forth the information required by the foregoing provisions and 33-18(d)(5)b.1 thru 4.
- e. The Construction Official is hereby authorized to issue permits to applicants seeking relief from the requirements of Chapter 33 of the Code of the Township of Teaneck for temporary emergency medical facilities, in accordance with the rules and regulations promulgated hereunder without the necessity of appearing before or obtaining formal approval of the Planning Board or Board of Adjustment.
- f. Any permits issued by the Construction Official under these temporary rules and regulations promulgated hereunder shall expire upon the termination of the health emergency or the termination of the Special Emergency Directive, whichever first occurs.
- g. Applicants shall comply with any County, State, or Federal, requirements and all other applicable regulatory authorities (e.g. Department of Health, Fire Department, Fire Marshall, Police Department, Uniform Construction Code).
- h. Upon the expiration of the health emergency or upon the termination of the within Emergency Special Directive, the Applicant shall, within six months thereafter, either remove such temporary emergency medical facilities and restore the premises to the condition which existed prior to the construction of such facilities or make application to the appropriate land use board for a site plan, subdivision and/or zoning approval.

**IN WITNESSED WHEREOF I HAVE SET MY HAND AND SEAL ON THIS ____ DAY
OF _____, 2020.**

TOWNSHIP OF TEANECK

DEAN KAZINCI, TOWNSHIP MANAGER

LARRY ROBERTSON, TEANECK'S

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- f. Any permits issued by the Construction Official under these temporary rules and regulations promulgated hereunder shall expire upon the termination of the health emergency or the termination of the Special Emergency Directive, whichever first occurs.
- g. Applicants shall comply with any County, State, or Federal, requirements and all other applicable regulatory authorities (e.g. Department of Health, Fire Department, Fire Marshall, Police Department, Uniform Construction Code).
- h. Upon the expiration of the health emergency or upon the termination of the within Emergency Special Directive, the Applicant shall, within six months thereafter, either remove such temporary emergency medical facilities and restore the premises to the condition which existed prior to the construction of such facilities or make application to the appropriate land use board for a site plan, subdivision and/or zoning approval.

IN WITNESSED WHEREOF I HAVE SET MY HAND AND SEAL ON THIS 17th DAY OF November, 2020.

TOWNSHIP OF TEANECK


DEAN KAZINCI, TOWNSHIP MANAGER


LARRY ROBERTSON, TEANECK'S

**OFFICE OF EMERGENCY MANAGEMENT
COORDINATOR**